

BOARD OF APPEAL REFERRALS

NOVEMBER 10, 1977

1. Z-3980 Minkin Forest Hills Realty Trust  
174 Forest Hills Street, Jamaica Plain
2. Z-3984 Squire Circle Associates, Inc.  
183-185 Havre Street, East Boston
3. Z-3988 Albert C. Capone  
78-82 Orleans Street, East Boston
4. Z-3989 Alan Katz and Arnold Robbins  
1853 Commonwealth Avenue, Brighton
5. Z-3995 New England Deaconess Hospital  
175 Pilgrim Road, Boston
6. Z-4005 Cebert Grant  
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7. Z-4006-4007 Cities Service Oil Company  
931-931(r) Bennington Street, East Boston
8. Z-4015 James D. Regan  
3 Aspinwall Road, Dorchester
9. Z-4017 Hyde Park Savings Bank  
1196 River Street, Hyde Park
10. Z-4035 Richard Taylor  
17 Kenilworth Street, Roxbury
11. Z-4040 S/P Charlestown Realty Trust  
39-65 Austin Street, Charlestown
12. Z-4043 480 Boylston Street Realty Trust  
480 Boylston Street, Boston

## MEMORANDUM

November 10, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert F. Walsh, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

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Hearing: 11/22/77

Petition No. Z-3980  
Minkin Forest Hills Realty Trust  
o 174 Forest Hills Street, Jamaica Plain  
near Lourdes Avenue

Four-story masonry structure - single-family (S-.5) district.

Purpose: to change occupancy from nursing home to treatment center (hospital) for alcoholism and drug abuse.

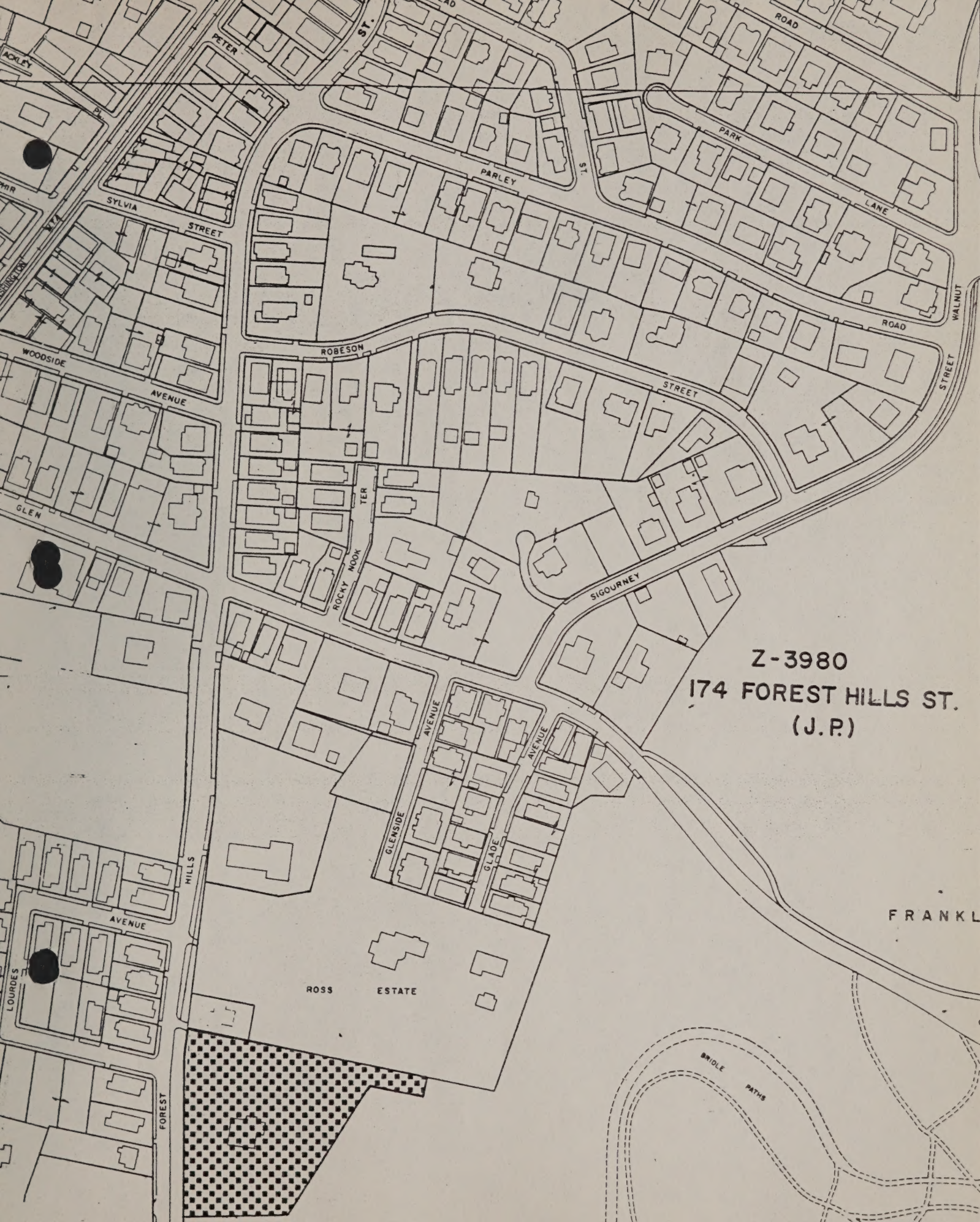
Violation:

Section 8-7. A hospital is forbidden in an S-.5 district.

Location is inappropriate for proposed facility. Inadequate off-street parking would tend to create undesirable parking on adjacent residential streets. Abutters and community are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3980, brought by Minkin Forest Hills Realty Trust, 174 Forest Hills Street, Jamaica Plain, for a forbidden use for a change of occupancy from nursing home to treatment center (hospital) for alcoholism and drug abuse in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. Location is inappropriate for proposed facility. Inadequate off-street parking would tend to create undesirable parking on adjacent residential streets. Abutters and community are opposed.





Z-3980  
174 FOREST HILLS ST.  
(J.P.)

FRANKL



Board of Appeal Referrals 11/10/77

Hearing:

Petition No. Z-3984  
Squire Circle Associates, Inc.  
183-185 Havre Street, East Boston  
near Porter Street

Two billboard structures - apartment (H-1) district.

Purpose: to legalize existing off-premises advertising signs.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 11-6. Off-premises advertising signs are not allowed in an H-1 district.		
Section 18-1. Front yard is insufficient.	25 ft.	0

The billboard signs (44' x 10' x 30' and 60' x 20' x 50') are undesirable, create visual pollution, and adversely affect the residential area.  
Recommend denial.

VOTED: In reference to Petition No. Z-3984, brought by Squire Circle Associates, Inc., 183-185 Havre Street, East Boston, for a conditional use and a variance to legalize existing off-premises advertising signs in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. The billboard signs are undesirable, create visual pollution, and adversely affect the residential area.





2-3984

183-185 HAVRE ST.

(E.B.)



Board of Appeal Referrals 11/10/77

Hearing: 11/22/77

Petition No. Z-3988  
Albert C. Capone  
78-82 Orleans Street, East Boston  
near Maverick Street

Four-story masonry structure - local business (L-1) district.

Purpose: to change occupancy from twelve apartments to nine apartments, food processing, and retail store.

Violation:

Section 8-7. Food processing is forbidden in an L-1 district.

Food processing (cheese products) is existing on first floor of structure. Site is inappropriate. Truck parking, generated by the operation, severely limits and often obstructs the flow of traffic because of inadequate loading facilities. Elderly housing, 87 units presently in final MHFA approval process, would be constructed on abutting vacant land. Recommend denial.

VOTED: In reference to Petition No. Z-3988, brought by Albert C. Capone, 78-82 Orleans Street, East Boston, for a forbidden use for a change of occupancy from twelve apartments to nine apartments, food processing, and retail store in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. Site is inappropriate. Trucks generated by the operation severely limit and often obstruct the flow of traffic. Elderly housing, 87 units presently in final MHFA approval process, would be constructed on abutting vacant land.





Z-3988  
78-82 ORLEANS ST.  
(E.B.)



4

Board of Appeal Referrals 11/10/77

Hearing: 11/22/77

Petition No. Z-3989  
Alan Katz and Arnold Robbins  
1853 Commonwealth Avenue, Brighton  
near Strathmore Road

2½-story frame structure - apartment (H-2) district.

Purpose: to change occupancy from two apartments and seven nonresident psychiatrist offices to thirteen nonresident psychiatrist and medical offices; to delete three provisos from previous Board of Appeal decision.

Violation:

Section 9-1. Extension of a nonconforming use requires Board of Appeal hearing.

Section 7-4. Deletion of provisos contrary to Board of Appeal decision.

The immediate area is predominantly residential. Increasing this nonconformity would create further unwanted nonresidential encroachment and intensify the serious parking congestion problem. The three provisos require landscaping of the property and should not be eliminated.  
Recommend denial.

VOTED: In reference to Petition No. Z-3989, brought by Alan Katz and Arnold Robbins, 1853 Commonwealth Avenue, Brighton, for an extension of a nonconforming use and a variance for a change of occupancy from two apartments and seven nonresident psychiatrist offices to thirteen nonresident psychiatrist and medical offices and to delete three provisos from previous Board of Appeal decision in an apartment (H-2) district, the Boston Redevelopment Authority recommends denial. Increasing the nonconformity would create further unwanted nonresidential encroachment and intensify the serious parking congestion problem in this predominantly residential neighborhood. Landscaping provisos should be retained and enforced.



Z-3989

1853 COMMONWEALTH AVE.  
(BRI.)





Board of Appeal Referrals 11/10/77

Hearing: 11/22/77

Petition No. Z-3995  
New England Deaconess Hospital  
175 Pilgrim Road, Boston  
at Autumn Street

Hospital complex - apartment (H-2) district.

Purpose: to erect canopy over ambulance entrance.

Violation:

	<u>Required</u>	<u>Proposed</u>
Section 18-4. Front yard is insufficient.	10 ft.	0

Aluminum-roofed canopy would provide shelter during patient transfer procedure. Violation is technical. Recommend approval.

VOTED: In reference to Petition No. Z-3995, brought by New England Deaconess Hospital, 175 Pilgrim Road, in the Fenway Urban Renewal Area, for a variance to erect a canopy over hospital ambulance entrance in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval. Proposal is beneficial; violation is technical.





RIVER

NETHERLANDS ROAD

MUDDY

RIVERWAY

PILGRIM

FRANCIS

OVERHILL  
THORACIC  
CLINIC

AUTUMN

STREET

PLYMOUTH

PARKING  
AREA

ROAD

PARKING

COURTS

TENNIS

AVENUE

BETH

ISRAEL

HOSPITAL

BETH

ISRAEL

HOSPITAL

ST. L.

LONGWOOD

STREET

LONGWOOD

MEDICAL  
BLDG.

SUB

STATION

AVENUE

CHILDREN

BLACKFAN

HOSPITAL

Z-3995

175 PILGRIM RD.

(B.P.)

HARVARD

MEDICAL

SCHOOL

CHILDREN

JIMMY FUND

BLDG.

ROAD

HOUSE  
OF THE  
GOOD  
SAMARITAN

BINNEY

STREET

PEABODY

JIMMY FUND

LABORATORIES

BLDG.

ROAD

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Board of Appeal Referrals 10/25/77 - tabled  
11/10/77 - resubmitted

Hearing: 11/1/77

Petition No. Z-4005  
Cebert Grant  
1360-1366 Blue Hill Avenue, Mattapan  
at Babson Street

One-story masonry structure - local business (L-1) district.

Purpose: to change occupancy from laundromat, retail stores, offices, garage, and distribution of food products to laundromat, retail stores, offices, and repair shop garage including body work and spray painting.

Violations:

Section 8-7. A repair garage including body work and spray painting is conditional in an L-1 district.

Section 9-2. A change in a nonconforming use requires Board of Appeal approval.

Proposal would eliminate the food product distribution use, which is incompatible with existing uses. Spray booth would be constructed within the structure. Local civic groups support the proposal, which will provide jobs needed in the community. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4005, brought by Cebert Grant, 1360-1366 Blue Hill Avenue, Mattapan, for a conditional use and a change in a nonconforming use for a change of occupancy from laundromat, retail stores, offices, garage, and distribution of food products to laundromat, retail stores, offices, and repair shop garage including body work and spray painting in a local business (L-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the repair shop be sufficiently sound-insulated to confine all noise and that all odors be effectively confined; that all work be performed within the structure; that vehicular storage and parking of employee and customer cars be within the structure; that the hours of operation be no earlier than 8 A.M. and no later than 6 P.M., Monday through Saturday.





Z-4005

1360-1366 BLUE HILL AVENUE  
(MATT.)



## Board of Appeal Referrals 11/10/77

Hearing: 12/6/77

Petitions Nos. Z-4006-4007  
 Cities Service Oil Company  
 931-931(r) Bennington Street, East Boston  
 near Trident Street

One-story structure (gas service station) - local business (L-.5) district.

Purpose: to erect one-story kiosk structure for sale of petroleum products;  
 to erect one-story retail store structure.

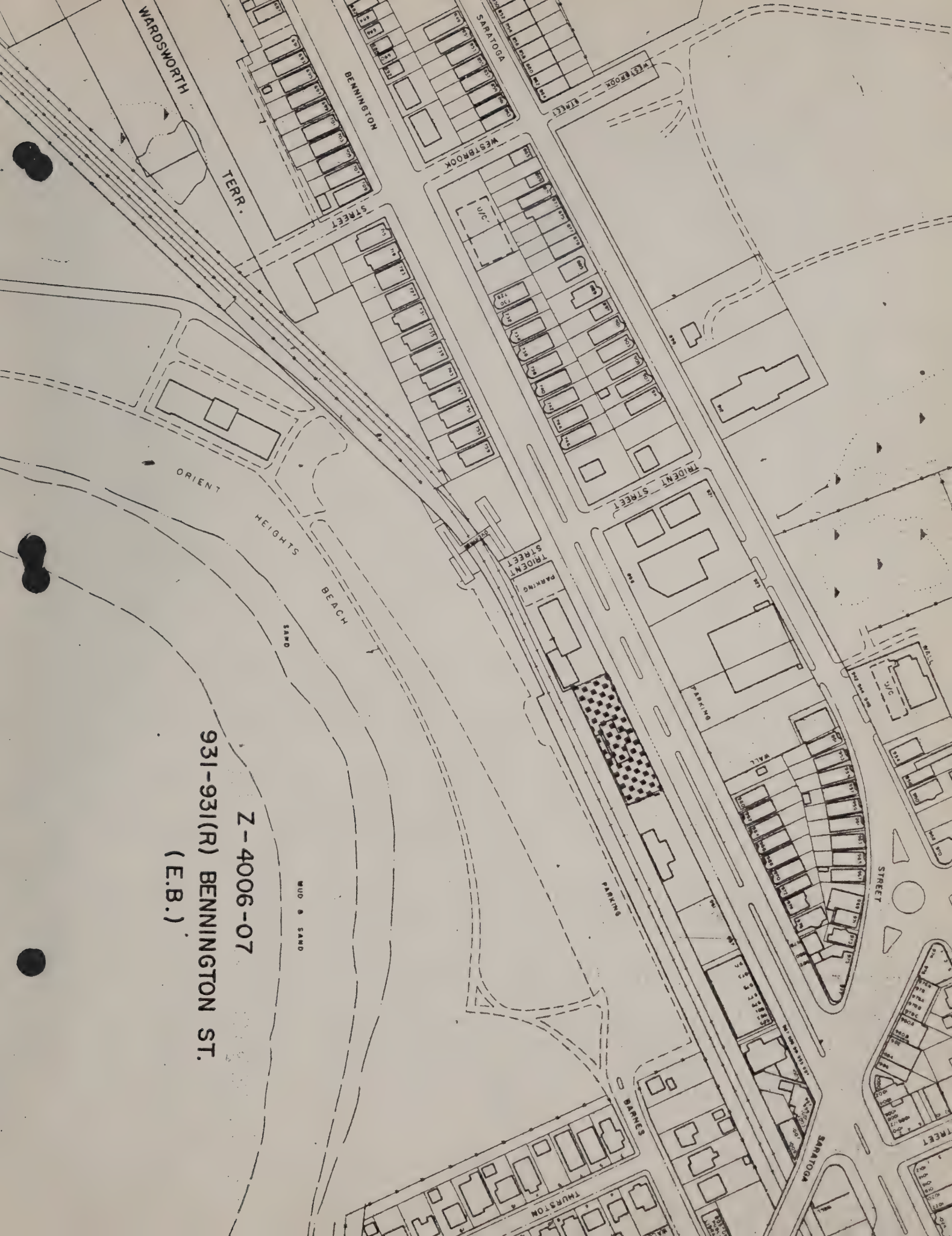
## Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A gas service station is conditional in an L-.5 district.		
Section 18-1. Front yard is insufficient.	15 ft.	3 ft.
Section 20-1. Rear yard is insufficient.	20 ft.	7 ft.

It is proposed to demolish existing facility and erect a kiosk gas station office structure and a "Quick Mart" grocery store. No neighborhood opposition. Recommend approval with provisos.

VOTED: In reference to Petitions Nos. Z-4006-4007, brought by Cities Service Oil Co., 931-931(r) Bennington Street, East Boston, for a conditional use and three variances to erect a one-story kiosk structure and a one-story retail store structure in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval provided facility complies with Board of Appeal guidelines for gas service facilities and that plans inclusive of landscaping be submitted to the Authority for design review.





Z-4006-07  
931-931(R) BENNINGTON ST.  
(E.B.)



Board of Appeal Referrals 11/10/77

Hearing: 11/29/77

Petition No. Z-4015  
James D. Regan  
3 Aspinwall Road, Dorchester  
near Washington Street

2½-story structure - residential (R-.5) district.

Purpose: to change occupancy from one-family dwelling and nursing home to nursing home; to erect two-story addition.

Violation:

Section 9-1. Extension of a nonconforming use requires Board of Appeal hearing.

Nursing home has served the community for many years. To comply with new Federal regulations, the proposed addition will include a new elevator, smoke tower, activity and dining area, nurses' station, and storage area. No increase in existing patient capacity (49). Recommend approval.

VOTED: In reference to Petition No. Z-4015, brought by James D. Regan, 3 Aspinwall Road, Dorchester, for an extension of a nonconforming use to erect a two-story addition and to change occupancy from one-family dwelling and nursing home to nursing home in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Addition will provide new facilities and comply with Federal regulations. No increase in existing patient capacity.



Z-4015  
LAWING  
3 ASPINWALL RD.  
COURT  
HOUSE (DOR.)



9  
Board of Appeal Referrals 11/10/77

Hearing: 11/29/77

Petition No. Z-4017  
Hyde Park Savings Bank  
1196 River Street, Hyde Park  
near Maple Street

One-story masonry structure - general business (B-1) district.

Purpose: to erect new drive-in facility addition to drive-in bank.

Violation:

Section 8-6. A change in a conditional use requires Board of Appeal hearing.

Large parking facility will provide sufficient stacking area and adequate vehicular circulation. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-4017, brought by Hyde Park Savings Bank, 1196 River Street, Hyde Park, for a conditional use to erect a drive-in facility addition to a drive-in bank in a general business (B-1) district, the Boston Redevelopment Authority recommends approval with the following proviso: that landscaping be provided at appropriate corners and along border of River Street.





274017  
1196 RIVER ST.  
(H.P.)



Board of Appeal Referrals 11/10/77

Hearing: 12/6/77

Petition No. Z-4035  
Richard Taylor  
17 Kenilworth Street, Roxbury  
near Dudley Street

Three-story masonry row structure - apartment (H-1) district.

Purpose: to change occupancy from three- to four-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area and open space is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	8,000 sf	1,573 sf
Section 17-1. Open space is insufficient.	400 sf	121 sf

Additional unit would be compatible with the residential character of the street. Structure has been substantially rehabilitated. No community opposition. Recommend approval.

VOTED: In reference to Petition No. Z-4035, brought by Richard Taylor, 17 Kenilworth Street, Roxbury, for a forbidden use and two variances for a change of occupancy from a three-family dwelling to a four-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. Additional unit would be compatible with the residential character of the street. No community opposition.



Z-35

17 KENILWORTH ST.  
(ROX.)





Board of Appeal Referrals 11/10/77

Hearing: 11/22/77

Petition No. Z-4040  
S/P Charlestown Realty Trust  
39-65 Austin Street, Charlestown  
near Main Street

Shopping mall under construction - general business (B-2) district.

Purpose: to change occupancy from four stores and restaurant to four stores and take-out restaurant (McDonald's).

Violation:

Section 8-7. Sale over the counter of on-premises-prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out, is conditional in a B-2 district.

Restaurant, which will provide seating for approximately 160 patrons, complies with requirements for a conditional use. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4040, brought by S/P Charlestown Realty Trust, 39-65 Austin Street, in the Charlestown Urban Renewal Area, for a conditional use for a change of occupancy from four stores and restaurant to four stores and take-out restaurant in a general business (B-2) district, the Boston Redevelopment Authority recommends approval with the following provisos: that restaurant make arrangements with Charlestown Little City Hall on the posting of employment opportunities for community residents; that restaurant effectively control patron parking to prevent use of Main Street for this purpose; that plans be submitted to the Authority for design review.





7-2-40  
39 AUSTIN ST  
(CHSN.)

PHIPPS STREET  
CEMETERY

FREDERICK D. EMONS  
PLAYGROUND

DIVISION

MAINE R.R. WESTERN

AND  
BOSTON  
R.R. EASTERN DIVISION



Board of Appeal Referrals 11/10/77

Hearing: 11/29/77

Petition No. Z-4043  
480 Boylston Street Realty Trust  
480 Boylston Street, Boston  
near Berkeley Street

Six-story structure - general business (B-8) district.

Purpose: to change occupancy from stores and offices to office, school, and stores.

Violation:

Section 8-7. A professional or trade school is conditional in a B-8 district.

Part of second floor would be occupied by Barbizon modeling school.  
Use would be consistent with the commercial area. Recommend approval

VOTED: In reference to Petition No. Z-4043, brought by 480 Boylston Street Realty Trust, 480 Boylston Street, Boston, for a conditional use for a change of occupancy from stores and offices to office, school, and stores in a general business (B-8) district, the Boston Redevelopment Authority recommends approval. Use would be consistent with this commercial area.







